

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

IN RE MERCK & CO., INC. VYTORIN/ ZETIA  
SECURITIES LITIGATION

Civil Action No. 08-cv-2177 (DMC) (JD)

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**DECLARATION OF GUUS WARRINGA  
IN SUPPORT OF CO-LEAD COUNSEL'S  
MOTION FOR AN AWARD OF ATTORNEYS' FEES**

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I, Guus Warringa, hereby declare under penalty of perjury as follows:

1. I am Chief Counsel and Board member of APG Algemene Pensioen Groep N.V. ("APG"). APG acts for Stichting Pensioenfonds ABP ("ABP"), one of the Court-appointed Lead Plaintiffs in this Action.

2. As set forth in the July 1, 2013 Declaration of APG Algemene Pensioen Groep N.V. in Support of (A) Lead Plaintiffs' Motion for Final Approval of Class Action Settlement and Approval of Plan of Allocation; (B) Lead Counsel's Motion for an Award of Attorneys' fees and Reimbursement of Litigation Expenses; and (C) Lead Plaintiffs' Application for Reimbursement of Costs and Expenses, ABP understood that the Court appointed the Special Masters to review Class Counsel's application for an award of attorneys' fees and expenses and to issue a report and recommendation as to the amount of attorneys' fees and expenses that the Court should award to Class Counsel. In light of this, ABP stated that it would not then take a position as to the specific amount of attorneys' fees that should be awarded to Class Counsel, but

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instead would wait until after we had an opportunity to review and consider the Special Masters' report and recommendation to make our views known.

3. On August 27, 2013, the Special Masters filed the Report And Recommendations Of The Special Masters Relating To The Award Of Attorneys' Fees And Expenses ("Report"). We have now reviewed the Report and carefully considered its analysis and reasoning. For the reasons set forth in the Report, ABP has determined to support the Special Masters' recommendation for an award of attorneys' fees to Class Counsel in the amount of 28% of the Settlement Fund (plus interest).

Executed this 20<sup>th</sup> day of September, 2013.



Name: Guus Warringa  
Title: Chief Counsel

APG Algemene Pensioen Groep N.V.  
on behalf of Stichting Pensioenfonds ABP